

The issues in this appeal are raised in the context of a post-award Application for Preliminary Hearing. Claimant originally alleged bilateral upper extremity injuries occurring in January 1993. During the pendency of that claim, respondent agreed to pay medical expenses for Dr. Lies in the amount of \$570 as unauthorized medical expense. On July 23, 1996, the Administrative Law Judge entered an Award. That Award was appealed to this Board. The Board found claimant sustained a compensable injury but limited benefits to medical benefits only on the basis of Osborn v. Electric Corp. of Kansas City, 23 Kan. App. 2d 868, 936 P.2d 297, *rev. denied* 262 Kan. \_\_\_\_\_ (1997). That Award, however, also provided that respondent was to pay future medical expenses only upon

application to, and approval by, the Director. In April 1998, respondent learned that claimant had been receiving treatment from Dr. Lies since the original Award. Claimant had not contacted respondent to request post-award medical treatment.

After incurring the additional medical expenses, claimant filed an Application for Preliminary Hearing. At the preliminary hearing, the Administrative Law Judge denied claimant's request for past medical expenses incurred with Dr. Lies but ordered an examination by Dr. J. Mark Melhorn to determine whether additional treatment is needed. Claimant appeals from that Order and asks the Board to authorize Dr. Lies and order payment of medical expenses incurred through Dr. Lies.

Respondent contends that the Appeals Board does not have jurisdiction to review the allegations made in this appeal. The Appeals Board agrees. In appeals from preliminary hearing orders, the Board's jurisdiction is limited to review of allegations that the Administrative Law Judge exceeded his or her jurisdiction, including the specific jurisdictional issues listed in K.S.A. 1997 Supp. 44-534a. Claimant's appeal does not, in substance, allege that the Administrative Law Judge has exceeded his jurisdiction, only that the Administrative Law Judge committed error by not authorizing Dr. Lies and ordering payment of his expenses.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the appeal from the preliminary hearing Order entered by Administrative Law Judge John D. Clark on May 14, 1998, should be, and the same is hereby, dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1998.

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BOARD MEMBER

c: Aman M. Adra, Wichita, KS  
Richard J. Liby, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director